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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

DANIEL MACIO SAUNDERS,  
Plaintiff,

vs.

1. KING COUNTY, *ET AL.*,  
PROSECUTING ATTORNEY  
DANIEL T. SATTERBERG, ESQ., and  
JOHN AND JANE DOE DEPUTY  
PROSECUTING ATTORNEY'S, and;

2. THE CITY OF SEATTLE, a  
Municipal Corporation, *ET AL.*, CHIEF  
OF POLICE JOHN DIAZ, and,  
JOHN/JANE DOE POLICE  
OFFICERS *ET AL.*

Defendants.

CIVIL ACTION:

COMPLAINT FOR DAMAGES

JURY DEMAND

1 Plaintiff, Daniel M. Saunders, alleges as follows:  
2

3  
4 I  
5 JURISDICTION AND VENUE

6 1. This action is brought pursuant to 42 U.S.C. §1983 for violations of the  
7 Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and  
8 various State and Common Law claims. Jurisdiction is conferred upon this court  
9 pursuant to 28 U.S.C. §1343 *et seq.*  
10

11  
12 2. There exists a common nucleus of operative facts as to Plaintiff's State  
13 and Federal claims. As a consequence, this court has pendent jurisdiction over the  
14 State claims pursuant to 28 U.S.C. §1367.  
15  
16

17 II  
18 PARTIES

19 3. Plaintiff Daniel Macio Saunders is a resident of King County,  
20 Washington.  
21

22 4. Defendant King County is a governmental entity with the right to sue  
23 and be sued in its own name and stead.  
24

25 5. Defendant Daniel T. Satterberg is and was at all relevant times, the King  
26 County Prosecuting Attorney acting within the scope of his employment with King  
27 County.  
28  
29  
30

1           6. Defendants John and Jane Doe are and were at all relevant times, King  
2 County Deputy Prosecuting Attorneys acting within the scope of their employment  
3 with King County. The actions, inactions, and decisions of Defendants John/Jane  
4 Does were made with the knowledge, permission, and consent of their employer,  
5 and were made within the scope of their employment with the Defendant King  
6 County and at all times material were acting within the scope of their employment.  
7 Plaintiff is not aware of the true names of said John/Jane Doe Deputy Prosecuting  
8 Attorney's and their true names will be substituted when discovered.  
9

10           7. Alternatively, Defendant City of Seattle is a governmental entity with the  
11 right to sue and be sued in its own name and stead.  
12

13           8. Defendants John and Jane Doe Police Officers are employees of  
14 Defendant Seattle Police Department. The actions, inactions, and decisions of  
15 Defendants John and Jane Does were made with the knowledge, permission, and  
16 consent of their employer, and were made within the scope of their employment  
17 with the Defendant City of Seattle as police officers and at all times material were  
18 acting within the scope of their employment. Plaintiff is not aware of the true  
19 names of said John and Jane Doe Police Officers and their true names will be  
20 substituted when discovered.  
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III  
CLAIM FOR DAMAGES

9. A Claim for Damages was properly filed with the Defendant King County pursuant to Washington Law. More than sixty (60) days have elapsed since the filing of that claim. Attached hereto as Exhibits A is Plaintiff's claim for damages, which by this reference is incorporated in this Complaint.

10. A Claim for Damages was properly filed with the Defendant City of Seattle pursuant to Washington Law. More than sixty (60) days have elapsed since the filing of that claim. Attached hereto as Exhibits B is Plaintiff's claim for damages, which by this reference is incorporated in this Complaint.

IV  
JURY DEMAND

11. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands trial by jury.

V  
BACKGROUND FACTS

A.

12. On June 6, 2009, Plaintiff, Mr. Daniel Macio Saunders (Saunders) was arrested for investigation of Burglary and taken into custody in the King County Jail.

1           13. On the next day, June 7, 2009, Mr. Saunders was brought before the  
2 King County District Court and charged by the King County Prosecutor's Office  
3 with Malicious Mischief, a misdemeanor.  
4

5           14. On the next day, June 8, 2010, the King County Prosecutor withdrew  
6 those charges.  
7

8           15. On June 10, 2009, at 5:59 p.m., Mr. Saunders, by court order -  
9 indicating the pending the filing of charges - was, forthwith, unconditionally  
10 released from the King County Jail.  
11

12           16. The next day (June 11, 2009) - as directed by King County personnel  
13 upon his release - Mr. Saunders went to the evidence division of the Seattle Police  
14 Department to retrieve his belongings taken from him after his arrest and  
15  
16 detention.  
17

18           17. Upon Mr. Saunders arrival at the evidence unit, and after politely  
19 holding the door open, Mr. Saunders was approached by three Seattle Police  
20 Officers (Defendants) and immediately - and without warning from neither the  
21 attending police officer at the evidence unit, nor the three Seattle Police Officers,  
22 nor the King County Court, nor the King Count Prosecutor's Office - was seized  
23  
24 by the Seattle Police Officers.  
25  
26

27           18. Mr. Saunders, as any reasonable person would, then, and therefore,  
28 became apprehensive as a result of the seizure of his person.  
29  
30

1 19. Before Mr. Saunders could inquire, and without being told, (and in fact  
2 without having any notice or knowledge of any basis for such a seizure of his  
3 person,) Mr. Saunders was, thereupon, the recipient of a brutal and physical  
4 assault from all three Seattle Police Officers.  
5

6  
7 20. While already under the physical control of the three Seattle Police  
8 Officers, the assault proceeded to take the form of, and include, but not limited to,  
9 Mr. Saunders being:  
10

11 (a) Violently thrown to the concrete floor head first causing a serious wound  
12 to his head, and;  
13

14 ( b) Then with the three Seattle Police Officers pressing the collective  
15 weight of their bodies onto Mr. Saunders, the assault of Mr. Saunders continued  
16 by the three Seattle Police Officers, who:  
17

18 (c) With leather-clad fists, repeatedly struck Mr. Saunders to his head and  
19 body and;  
20

21 (c) Repeatedly struck Mr. Saunders, (by one or more officers,) with their  
22 night-sticks/billy-clubs/batons, and;  
23

24 (d) Repeatedly *Tazed* (electronic device designed to deliver an electronic  
25 current to the body and to debilitate,) Mr. Saunders.  
26

27 Such was the physical, psychological and other harm inflicted upon Mr.  
28 Saunders that he then required immediate hospitalization.  
29  
30

B.

[Running in a parallel time frame to the facts § A, *supra*:]

21. On June 10, 2009, at or before 4:16 p.m. - while Mr. Saunders was, and remained in the custody/detained one block away in the King County Correctional Facility in Seattle accessible by a sky-bridge - and without being brought to Court nor served - Defendants King County, Daniel T. Satterberg, Esq., King County Prosecuting Attorney, by and through the Deputy Prosecuting attorney(s) John and Jane Doe, created and *filed* with the court clerk an otherwise executed:

(a) *Information*, and;

(b) *Motion, Finding of Probable Cause and Order Directing Issuance of Summons or Warrant and Fixing Bail (Motion and Order)* - signed and granted by the Hon. Sharon S. Armstrong.

22. The Defendants' *Motion and Order* asked for nothing more than to have directed issuance of a summons or order fixing bail and/or conditions of release, and it was further ordered that the bail be fixed at \$25,000.00 and that a no contact order issued at Mr. Saunders first appearance remain in effect.

23. The *Motion and Order*, moreover, ordered that Mr. Saunders - who before, during, and after the charges were filed and the order was *issued* and who

1 remained in custody at the time - be advised of the amount of bail fixed by the  
2 court and/or conditions of his release.

3  
4 24. Neither beforehand, nor at that time, did the Court nor the Prosecutors  
5 Office, (who had placed Mr. Saunders in their custody for investigation of the  
6 charges filed against him, rendering Mr. Saunders location entirely known and  
7 access unhindered to, and fully amenable to transport,) take any action whatsoever  
8 to request/order Mr. Saunders to be transported from their jail to their Court to be  
9 notified of the charges against him, nor that bail had been placed against him, nor  
10 that conditions of his release were imposed.  
11

12  
13 25. Many hours *after* being kept from appearing in Court and denied  
14 knowledge of the *filing* of charges against him, Mr. Saunders instead, was,  
15 therefore, lawfully and correctly released without conditions, and was not notified  
16 of any warrant or bail in existence to be held against him.  
17

18  
19 26. Without any change of circumstances or new allegation against him,  
20 nor any violation of a condition of his release, (there were none,) Mr. Saunders,  
21 nevertheless, had a Be-On-Look-Out order issued for his arrest.  
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VI  
CLAIMS AND CAUSES OF ACTION

A.  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27. Plaintiff, Mr. Saunders, re-alleges the previous paragraphs.

28. The actions of Defendants constituted intentional infliction of emotional distress.

29. As a result of Defendants' tortious conduct, Plaintiff suffered injury and severe emotional distress.

B.  
ASSAULT AND BATTERY

30. Plaintiff re-alleges the previous paragraphs.

31. The actions of Defendants constituted assault and battery.

C.  
FALSE ARREST

32. Plaintiff re-alleges the previous paragraphs.

33. The actions of Defendants constituted false arrest. Plaintiff was arrested via a warrant issued without a legal basis and color of authority, nor probable cause, and one that if it had any authority attached to it, was rendered void upon his release prior to his false arrest.

D.  
MALICIOUS PROSECUTION

34. Plaintiff re-alleges the previous paragraphs.

35. The actions of Defendants constituted malicious prosecution.

E.  
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

36. Plaintiff re-alleges the previous paragraphs.

37. The actions of Defendants constitute negligent infliction of emotional distress.

F.  
VIOLATION OF 42 U.S.C. §1983

38. Plaintiff re-alleges the previous paragraphs.

39. Defendant Daniel T. Satterbert, and Deputy Prosecuting attorneys John and Jane Doe's conduct violated Plaintiff's civil rights under 42 U.S.C. §1983 because their actions violated the U.S. Constitution.

G.  
COUNTY VIOLATED 42 U.S.C. §1983

40. Plaintiff re-alleges the previous paragraphs.

41. Defendant King County violated 42 U.S.C. §1983 when it showed a deliberate indifference to Plaintiff's rights and ratified the conduct of Defendant's Daniel T. Satterbert/John and Jane Doe. Further, it tolerated a pattern and practice of the County that violated the rights of citizens.

42. As a result of Defendants' violation of 42 U.S.C. §1983 Plaintiff suffered injury, emotional distress, severe pain, humiliation, embarrassment, and diminished respect in the eyes of his peers and his subordinates.

H.  
VIOLATION OF 42 U.S.C. §1983

43. Plaintiff re-alleges the previous paragraphs.

44. Defendant Police Officers John and Jane Doe's conduct violated Plaintiff's civil rights under 42 U.S.C. §1983 because their actions violated the U.S. Constitution.

I.  
CITY VIOLATED 42 U.S.C. §1983

45. Plaintiff re-alleges the previous paragraphs.

46. Defendant City of Seattle violated 42 U.S.C. §1983 when it showed deliberate indifference to Plaintiff's rights and ratified the conduct of Defendant Police Officers John and Jane Doe's conduct. Further, it tolerated a pattern and practice of police officer's violated the rights of citizens.

J.  
VII  
REQUEST FOR RELIEF

Plaintiff, Mr. Daniel M. Saunders, requests that the court enter judgment against each of the defendants/alternatively to the defendants as follows:

1 (i) Awarding Plaintiff special damages in such amount to be shown at trial,  
2 and;

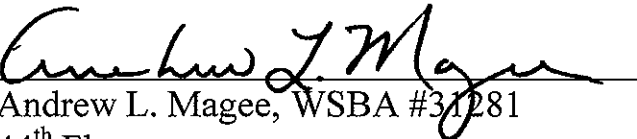
3  
4 (ii) Awarding Plaintiff general damages in such amount to be shown at trial,  
5 and;

6  
7 (iii) Awarding Plaintiff costs and attorney's fees, and;

8 (iv) Awarding Plaintiff punitive damages against both/alternatively  
9 Defendant(s) King County/Daniel T. Satterberg, Deputy Prosecuting Attorney's  
10 John and Jane Doe/City of Seattle/Seattle Police Officers John and Jane Doe and;

11  
12 (v) Such additional relief which the Court finds equitable and just.  
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17 DATED this 9 th day of September 2010  
18  
19

20   
21 Andrew L. Magee, WSBA #31281

22 44<sup>th</sup> Floor  
23 1001 Fourth Avenue Plaza  
24 Seattle, Washington 98154  
25 (206) 389-1675  
26  
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**Claim for Damages**Alternative Format Available  
See instructions on back.

King County

Department of Executive Services  
Risk Management Division  
Ph: 206-296-7432  
TTY: 800-833-6388

This Box is For Official Use Only.

SPD IIS

2010 MAY 25 PM 2:32

Name: DANIEL MACIO SAUNDERS  
First, Middle, Last (or business name)Address: No permanent address SEATTLE WA  
(Home or business) City State ZipBusiness Phone: 206-389-1675 (att) Home Phone: - Message / Cell Phone: 206-389-1675Date of Birth: 7/20/63 Email Address: -Address at time of loss / incident: 2815 E. THOMAS ST. SEATTLE WA 98112  
Address City State ZipDate of Incident: 2 JUNE 11, 2009 Time of Incident: a.m. Amount Claimed: \$ -Location of loss/incident: King County Correctional Facility (Seattle) (JAIL); King County Courthouse;Description of Details (Describe how the loss / incident occurred): SEATTLE POLICE DEPT. EVIDENCE UNITRECEIVED  
2010 MAY 25 PM 2:32  
KING COUNTY CLERK  
KING COUNTY COUNCIL

(Attach additional pages and supporting documents as needed.)

King County's Involvement (if possible, please identify employee and/or department involved):

VACANT RENT; Cindy Porter; Dan SAMBERG

Witnesses (please provide addresses and phone numbers):

(1) VACANT RENT  
King County Pres. OFF.  
206-296-9000  
(2) Cindy Porter  
King County Pres. OFF.  
206-296-9000  
(3) Dan SAMBERG  
King County Pres. OFF.  
206-296-9000**Complete this section for Metro Transit claims.**

Route Number: \_\_\_\_\_ Coach / Vehicle Number: \_\_\_\_\_ Coach / Vehicle License Number: \_\_\_\_\_

I was a: ☐ Bus Passenger ☐ Pedestrian ☐ Owner ☐ Driver of Another Vehicle ☐ Passenger in Another Vehicle

Other (Describe): \_\_\_\_\_

Property Damage (please describe the value and extent of the damage to your home, automobile or personal property. Attach estimates, bills or whatever documentation of damages you may have):

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ License Number: \_\_\_\_\_ Insurance Name: \_\_\_\_\_ Policy Number: \_\_\_\_\_

Were you injured? ☐ No ☒ Yes If yes, then complete the following:

Describe your injury (Identify your doctors(s)/healthcare provider(s)):

AS A RESULT OF MY UNLAWFUL TREATMENT / BEATING, I WAS TAKEN TO HOSPITALAre you still receiving medical treatment? ☐ No ☒ Yes Employer: \_\_\_\_\_Wage Loss? ☐ No ☒ Yes If Yes, rate of pay: disability Type of work: \_\_\_\_\_

"I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct."

MAY 17, 2010, SEATTLE, WASHINGTON  
(Date and Place (City, State))

King County Electronic Claim for Damages Form (Rev 07/2009)

Signature

EXHIBIT A

Andrew L. Magee, L.L.C.  
44<sup>th</sup> Floor  
1001 Fourth Avenue Plaza  
Seattle, Washington 98154  
(206) 389-1675

May 25, 2010

City of Seattle  
City Hall  
600 Fourth Avenue, 3<sup>rd</sup> Floor

FILED  
CITY OF SEATTLE  
2010 MAY 25 PM 2:21  
CITY CLERK

Re: Claim for Damages for Daniel M. Saunders

Dear City of Seattle:

My name is Andrew L. Magee and I have been retained by Mr. Daniel M. Saunders to represent him in this claim for damages, and any/all matters relating to his claim and pending litigation. It is requested, therefore, that neither the City, nor anyone acting on the City's behalf have any contact whatsoever with Mr. Saunders or his family. Instead, it is requested that I be contacted with regards to any inquires/questions the City may have. Thank you very much.

Very truly yours,

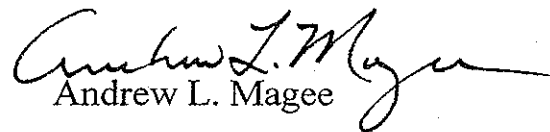
  
Andrew L. Magee

EXHIBIT B



# City of Seattle CLAIM FOR DAMAGES

Note:

Type or Print Legibly.

See instructions on back.

## CITY USE ONLY

CLAIM NUMBER

DATE FILED

CLAIMANT	NAME (FIRST - MIDDLE - LAST, OR BUSINESS NAME) <u>DANIEL MACIO SAUNDERS</u>	DATE OF BIRTH <u>7/20/63</u>	HOME PHONE <u>206-389-1675 (att)</u>
CURRENT HOME ADDRESS (NUMBER - STREET - CITY - STATE - ZIP) <u>No permanent address / SEATTLE</u>			BUS. PHONE
HOME ADDRESS AT THE TIME THE CLAIM AROSE (NUMBER - STREET - CITY - STATE - ZIP) <u>2815 E. THOMAS ST., SEATTLE, WA 98112</u>		CELL PHONE <u>206-389-1675 (att)</u>	E-MAIL ADDRESS <u>andrew@maciolegal.com</u>
ACCIDENT/LOSS	DATE <u>On or about June 11, 2009 @ 2 a.m.</u>	TIME <u>2 a.m.</u>	
LOCATION/SITE	BE VERY SPECIFIC: STREETS, ADDRESSES, etc. <u>KING COUNTY CORRECTIONS FACILITY (JAIL) / KING COUNTY COURT HOUSE, SEATTLE POLICE DEPT. EVIDENCE UNIT</u>		
WHAT HAPPENED?	DESCRIBE IN YOUR OWN WORDS HOW THIS LOSS OCCURRED AND WHY YOU BELIEVE THE CITY IS RESPONSIBLE. (additional space on reverse side or attach additional pages and supportive documents as needed) <u>Please see attached</u>		
NAMES, ADDRESSES, AND PHONE NUMBERS OF ALL PERSONS INVOLVED IN OR WITNESS TO THIS INCIDENT - TO <u>include, but not limited to:</u>			
1) <u>Kenneth P. ... King County Pros. Off.</u> 2) <u>Cindy ... King County Pros. Off.</u> 3) <u>Dan Sutterberg King County Pros. Off.</u>			
Ph: <u>206-296-9000</u> Ph: <u>206-296-9000</u> Ph: <u>206-296-9000</u>			
WAS YOUR PROPERTY DAMAGED? (i.e. Home, Auto, Personal Property) <input checked="" type="checkbox"/> YES IF SO, THEN FULLY DESCRIBE - SUCH AS AGE, MAKE, MODEL, CONDITION, VALUE, OR EXTENT OF DAMAGE <input type="checkbox"/> NO (additional space on reverse side or attach additional pages and supportive documents as needed) <u>to include, but not limited to, my clothing was damaged as a result of my unlawful beating</u>			
WERE YOU INJURED? <input checked="" type="checkbox"/> YES IF YES, THEN COMPLETE THE FOLLOWING: <input type="checkbox"/> NO (additional space on reverse side or attach additional pages and supportive documents as needed) <u>I was taken to the hospital (Swedish) as a result of the unlawful beating</u>			
WAGE LOSS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, THEN RATE OF PAY: <u>disability</u>			
KIND OF WORK _____ EMPLOYER _____			
AMOUNT CLAIMED \$ _____			
SIGNATURE OF CLAIMANT (AND TITLE, IF A BUSINESS)			
I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct			
EXECUTED this <u>21<sup>st</sup></u> day of <u>May</u> , 20 <u>10</u> .			
At <u>SEATTLE</u> <u>KING</u> County, Washington			
X <u>[Signature]</u>			

This claim form must be signed by the Claimant, verifying the claim; or pursuant to a written power of attorney, by the attorney in fact for the claimant; or by an attorney admitted to practice in Washington State on the claimant's behalf; or by a court-approved guardian or guardian ad litem on behalf of the claimant.

At SEATTLE KING County, Washington

X